

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ROBERT LOZANO, *on behalf of himself, FLSA* :  
*Collective Plaintiffs and the Class,* :

Plaintiff, :

-against- :

RUGFRIT 1350 LLC, STEFANO FRITELLA, :  
and FRANK TANCREDI, :

Defendants. :  
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GEORGE B. DANIELS, United States District Judge:


For the reasons articulated on the record at the September 3, 2014 oral argument, Defendants' Motion to Dismiss is GRANTED. The Complaint is DISMISSED. The Clerk of the Court is directed to close the motion at ECF No. 16.

Plaintiff may request leave to amend by letter application, attaching a proposed Amended Complaint, to be submitted to this Court within 30 days of this Order. Defendants may oppose the request for leave to amend by letter filed within 14 days of Plaintiff's submission.

This case should remain open until further order of this Court.

Dated: New York, New York  
September 4, 2014

SO ORDERED.

  
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GEORGE B. DANIELS  
United States District Judge

